IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 22357 of 2005(J)

---

PETITIONER:

FRANCIS VARKEY, AGED 67 YEARS,
S/O. VARKEY, CHENGAZHASSERIL, TEEKOY P.O.,
PALA, KOTTAYAM DISTRICT.

BY ADV. SRI.JOSE JOSEPH (MANNAR)
SRI.ALEX M. ARAYATH

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATIVES, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SPECIAL SALE OFFICER, MEENACHIL CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.NO.K.197, PALA.

3. MEENACHIL CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.NO.K.197, REPRESENTED BY THE SECRETARY, PALA.

BY FOR R1 AND R2 SENIOR GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN
ADV. SRI.T.S.RADHAKRISHNA PILLAI
SRI.T.R.RAJEEV
FOR R3 SRI.SUNIL CYRIAC,SC,MEENACHIL CO-OP.ARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**J.M.JAMES, J.**

- - - - - - - - - - - - - - - - - - - - -

W.P.(C) No. 22357 of 2005 (J)

- - - - - - - - - - - - - - - - - - - - -

Dated this the 2nd day of February, 2007

**J U D G M E N T**

The writ petition was filed on 26/07/2005, and an interim order was passed on 27/07/2005. It is complained of by the learned counsel for the third respondent, Meenachil Co-operative Agricultural and Rural Development Bank Ltd., that the direction contained in the order had not been complied with. The direction in the order dated 27/07/2007 is as follows:-

> "Urgent notice before admission to R3. Government Pleader takes notice for R1 and R2. The sale pursuant to Ext.P1 shall not be confirmed for a period of 4 months on condition that the petitioner deposits an amount of Rs.75,000/- per month on or before the 20th of every month, commencing from August, 2005. If any among the conditions as to deposit is not satisfied, this order of stay will stand recalled automatically and the respondents will be at liberty to proceed with the sale and take coercive action."

2. After hearing both sides, I find that no orders, on merit, need be passed because of the failure to comply with the specific direction contained in the order dated 27/07/2005, as above. However, I dispose of the writ petition, directing the writ petitioner to approach the third respondent, with a representation for an one time settlement scheme, within ten days from today. On receipt of the above representation, the third respondent shall hear the writ petitioner and dispose of the same, on merit, as per the provisions of the one time settlement, contained in Circular No.59/2006, dated 30/11/2006.

3. If the order of the third respondent, on the one time settlement representation, is not complied with by the writ petitioner, the third respondent shall be at liberty to proceed against him, as per the law.

**(J.M.JAMES)**
Judge

ms